



# **NPDES GENERAL PERMIT**

**for**

## **CONCENTRATED AQUATIC ANIMAL PRODUCTION and AQUACULTURE DISCHARGES**

This permit authorizes concentrated aquatic animal production and/or aquaculture discharges to waters of the State of South Carolina in accordance with effluent limitations, monitoring requirements, and other conditions set forth in Parts I through X hereof. This permit is issued in accordance with the provisions of the Pollution Control Act (S. C. Code Sections 48-1-10 *et seq.*, 1976) and with the provisions of the Federal Clean Water Act (PL 92-500), as amended, 33 U.S.C. 1251 *et seq.*, the "CWA."

**Marion F. Sadler, Jr.**

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**Director, Industrial, Agricultural, and Storm Water Permitting Division  
Bureau of Water**

**Issued: August 15, 2002**

**Expires: September 30, 2007**

**Effective: October 1, 2002**

**Permit No.: SCG130000**

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## PREFACE

The CWA provides that discharges from a point source including discharges through a municipal separate storm sewer system to waters of the United States are unlawful, unless authorized by a National Pollutant Discharge Elimination System (NPDES) permit.

### Part I. DEFINITIONS

- A. "Arithmetic Mean" for any set of values means the summation of the individual values divided by the number of individual values.
- B. "Aquaculture" means a defined managed water area which uses discharges of pollutants into that designated area for the maintenance or production of harvestable freshwater, estuarine, or marine plants or animals (Reg 61-9.122.25).
- C. "Concentrated Aquatic Animal Production Facility" means a hatchery, fish farm, or other facility which contains, grows or holds aquatic animals.
- D. "CWA" means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub. L. 92-500, as amended Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483 and Pub. L. 97-117, 33 U.S.C. 1251 et. seq.
- E. "Daily maximum" means the highest average value recorded of samples collected on any single day during the calendar month.
- F. "Department" means the South Carolina Department of Health and Environmental Control or an authorized representative.
- G. "Director" means the EPA Regional Administrator or an authorized representative.
- H. "EPA" means the Environmental Protection Agency.
- I. "Freshwater" means any freshwater as defined by Regulation 61-68 and classified by Regulation 61-69.
- J. "Freshwater, Cold Water Aquatic Animals" for the purposes of this permit will mean trout (i.e. rainbow and brown), and other species as approved by the Department on a case by case basis.
- K. "Freshwater, Warm Water Aquatic Animals" for the purposes of this permit will mean catfish, carp, crayfish, talapia, bass, and other species as approved by the Department on a case by case basis.
- L. "Grab Sample" means an individual discrete or single influent or effluent portion of at least 100 milliliters collected at a time representative of the discharge and over a period not

exceeding 15 minutes and retained separately for analysis. Where a number of grab samples are used to form a composite, instantaneous flow measured at the time of grab sample collection shall be used to calculate quantity.

- M. "Instantaneous maximum or minimum" means the highest or lowest value recorded of any sample collected during the calendar month.
- N. "MGD" means million gallons per day.
- O. "Monthly average" other than for fecal coliform, means the arithmetic mean of all samples collected in a calendar month. The monthly average for fecal coliform bacteria is the geometric mean of all samples collected in a calendar month. The monthly average loading is the arithmetic average of all individual loading determinations made during the month.
- P. "NOI" means Notice of Intent to be covered by this permit (see Part III of this permit.)
- Q. "NOT" means Notice of Termination (see Part VII of this permit.)
- R. "Outfall" or "Point Source" means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, or vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.
- S. "Quarterly" means based on calendar quarters: January-March, April-June, July-September, and October-December.
- T. "Saltwater" means any tidal saltwater defined as Class SA, SB, or Shellfish Harvesting (SFH) by Regulation 61-68 and classified by Regulation 61-69.
- U. "Saltwater, Warm Water Aquatic Animals" for the purposes of this permit will mean shrimp, oyster, eel, clam, and other species as approved by the Department on a case by case basis.
- V. "Significant materials" includes, but is not limited to raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); any chemical the facility is required to report pursuant to Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA); fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with storm water discharges.

- W. "Significant Spills" includes, but is not limited to: releases of oil or hazardous substances in excess of reportable quantities under Section 311 of the Clean Water Act (see 40 CFR 110.10 and CFR 117.21) or Section 102 of CERCLA (see 40 CFR 302.4).
- X. "Storm Water" means storm water runoff, snow melt runoff, and surface runoff and drainage.
- Y. "Upset" means an exceptional incident in which there is unintentional and temporary non-compliance with the numeric effluent limitations of Part X of this permit because of factors beyond the reasonable control of the permittee. An upset does not include non-compliance to the extent cause by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- Z. "Waters of South Carolina" means all waters of the United States within the political boundaries of the State of South Carolina.
- AA. "Waters of the United States" means:
1. All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
  2. All interstate waters, including interstate "wetlands";
  3. All other waters such as interstate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, wet meadows, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:
    - a. Which are or could be used by interstate or foreign travelers for recreational or other purposes;
    - b. From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
    - c. Which are used or could be used for industrial purposes by industries in interstate commerce;
  4. All impoundments of waters otherwise defined as waters of the United States under this definition;
  5. Tributaries of waters identified in Part I.AA.1-4 of this definition;
  6. The territorial sea; and

7. Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in Part I.AA.1-6 of this definition.

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA are not waters of South Carolina. This exclusion applies only to manmade bodies of water which neither were originally created in waters of South Carolina (such as disposal areas in wetlands) nor resulted from the impoundment of waters of South Carolina.

## **Part II. PERMIT COVERAGE**

**A. Permit Area.** The permit covers all areas of South Carolina.

**B. Eligibility.**

1. This permit may cover all new and existing point source discharges to surface waters of South Carolina.
2. This permit may authorize discharges that are mixed with other wastewater discharges provided that the other discharges are in compliance with the terms, including applicable NOI or application requirements, of a different NPDES general permit or individual permit authorizing such discharges.
3. All facilities which meet the definition of Concentrated Aquatic Animal Production or Aquaculture as defined in Regulation 61-9 Sections 122.24 and 122.25. Any facility which does not meet the requirements listed in the regulation does not require a NPDES (general or individual) permit, with the following exceptions:
  - a. Facilities which discharge to Class ORW or Class SFH waters, as defined in Regulation 61-68 and 61-69.
  - b. Facilities which use disinfectants, such as chlorine, to periodically clean tanks and other equipment and may introduce the toxic disinfectants to the receiving stream. This includes all hatcheries and nurseries.
4. **Limitations on Coverage.** The following concentrated aquatic animal production and aquaculture discharges are not authorized by this permit:
  - a. Discharges that are:
    - (i) mixed with other discharges and process wastewater unless those discharges are in compliance with a different NPDES permit; or
    - (ii) identified by and in compliance with Part IX.A;
  - b. discharges which are subject to an existing effluent limitation guideline addressing them;



- c. discharges that are subject to an existing NPDES individual or general permit; are located at a facility where an NPDES permit has been terminated or denied; or which are issued a permit in accordance with Part V.M of this permit. Such discharges may be authorized under this permit after an existing permit expires or is canceled;
- d. discharges for waters other than those described in Part II.B.1, 2 and 3;
- e. discharges that the Department has determined to be or which may reasonably be expected to be contributing to a violation of a water quality standard;
- f. discharges from facilities which raise (aquatic or otherwise) amphibians, fowl, mammals, marsupials, or reptiles;
- g. discharges that would adversely affect a listed endangered or threatened species or its critical habitat;
- h. discharges whose receiving waters are Outstanding Resource Waters (ORW) or Trout Waters (TN, TPGT, TPT); and

### **C. Authorization**

- 1. New Dischargers of Concentrated Aquatic Animal Production and Aquaculture Water
  - a. A new discharger of concentrated aquatic animal production and aquaculture water must, except as provided in 1.b below, submit a complete Notice of Intent (NOI) using Forms 1 and the "*State of South Carolina Department of Agriculture Application for Aquaculture Permit Assistance*" in accordance with the requirements of Part III of this permit. A new discharger of concentrated aquatic animal production and aquaculture water is authorized to discharge under the terms and conditions of this permit beginning on the date of written notice from the Department of such coverage.
  - b. The Department may determine that an individual permit application for a proposed concentrated aquatic animal production and aquaculture water discharge qualifies for coverage under this permit. Discharges for which individual permit applications for concentrated aquatic animal production and aquaculture water have been submitted are authorized to discharge under the terms and conditions of this permit beginning on the date of written notice from the Department of such coverage. The Department may require additional information from the permit applicant to determine appropriate permit conditions.
  - c. The Department may deny coverage under this permit and require submittal of an application for an individual NPDES Permit based on a review of the NOI or other information.

2. Existing Dischargers of Concentrated Aquatic Animal Production and Aquaculture Water
  - a. Any existing discharger of concentrated aquatic animal production and aquaculture water not previously covered by the General Permit who has submitted a timely, complete NPDES application for an existing individual permit which the Department determines qualifies for General Permit coverage is authorized to discharge under the terms and conditions of this permit beginning on the date of written notice from the Department of such coverage. The Department may require additional information from the permit applicant to determine appropriate permit conditions. Until coverage and limitations are determined, the limitations from the previous permit for the covered outfall(s) remain in effect.
  - b. Any existing discharger of concentrated aquatic animal production and aquaculture water previously covered by the General Permit who has submitted a timely, complete reapplication for coverage under the General Permit is authorized to discharge under the terms and conditions of this permit beginning on the date of written notice from the Department of such coverage. The Department may require additional information from the permit applicant to determine appropriate permit conditions.
3. A discharger of concentrated aquatic animal production and aquaculture water is not precluded from submitting an NOI in accordance with the requirements of this part after the effective date of this permit. In such instances, the Department may bring an enforcement action for failure to submit an NOI in a timely manner or for any unauthorized discharges of concentrated aquatic animal production and aquaculture water that have occurred.

**D. Continuation of the Expired General Permit**

This permit expires on the date stated on the first page of the permit. However, an expired general permit continues in force and effect until a new general permit is issued. Coverage under this permit continues in force and effect only if the conditions in Part II.E below are satisfied.

**E. Duty to Reapply**

1. Permittees must submit an NOI in accordance with the requirements of Part III of this permit at least 60 days prior to the permit expiration date (unless an extension has been granted) to remain covered under the continued permit after expiration. The completed NOI should be submitted to the Department at the address in Part III.B. The NOI should be accompanied by all Discharge Monitoring Reports (DMRs) which have been completed in accordance with Part IV.D.1 as of the submission date. Facilities that had not obtained coverage under the permit by the expiration date cannot become authorized to discharge under the continued permit.

2. Permittees who submit NOIs less than 9 months from permit expiration and obtain coverage during that time are automatically considered covered under the continued permit after expiration.
3. An NOI submitted in accordance with E.1 or E.2 above will be used to determine coverage under the new General Permit when this permit is reissued. The Department may, at the time of permit reissuance, require additional information to be submitted based on changes in the reissued general permit.

### **Part III. NOTICE OF INTENT REQUIREMENTS**

#### **A. Deadlines for Notification**

Except as provided in Part II.C.3 or Part III.F (Transfer of Ownership or Control), operators of facilities who intend to obtain coverage for a new or existing concentrated aquatic animal production and/or aquaculture discharge under this permit shall submit a Notice of Intent (NOI) in accordance with the requirements of this part at least sixty (60) days before coverage is desired.

#### **B. Contents of Notice of Intent.** The Notice of Intent shall be signed in accordance with Part V.F of this permit and shall include the following information:

1. Name, mailing address, location of the facility for which the notification is submitted and location of the outfall(s) stated as latitude and longitude to the nearest 15 seconds;
2. The four 4-digit Standard Industrial Classification (SIC) codes (0273, 0921) that best represent the principal products or activities provided by the facility
3. The operator's name, address, telephone number, and status as Federal, State, private, public or other entity;
4. The permit number of additional NPDES permits for any discharges from the site that are currently, or have been previously, authorized by an NPDES permit;
5. The name of the receiving water(s), or if the discharge is through a municipal separate storm sewer or drainage ditch, the name of the municipal operator of the storm sewer or drainage ditch and the receiving water(s) for the discharge through the municipal separate storm sewer or drainage ditch;
6. In the event that the applicant does not own all properties necessary to allow for direct discharge of wastewaters into waters of the State, the Notice of Intent (NOI) shall include a statement that easements have been obtained by the permittee for any conveyances of the discharge not on property of the permittee and which do not constitute waters of the State.

7. A US Geological Survey (USGS) topographic map (7 ½ or 15 minute quad) indicating facility and discharge locations.
8. An indication of whether the owner or operator has existing quantitative data describing the concentration of pollutants in the discharge.

**C. Where to Submit.** Facilities which discharge concentrated aquatic animal production and aquaculture water must use the appropriate NOI form provided by the Department (or photocopy thereof). Forms are also available by calling (803) 898-4232. NOIs must be signed in accordance with Part V.F of this permit. NOIs are to be submitted to the Department at the following address:

SC Dept. of Health and Environmental Control  
Bureau of Water  
NPDES/ND Permit Administration  
2600 Bull Street  
Columbia, SC 29201

**D. Individual Applications.** Any applicant that has previously filed an individual application and has not received an NPDES permit can receive coverage under this general permit. To do so, a letter may be sent to the Department requesting coverage in lieu of an individual permit.

**E. Transfer of Ownership or Control.**

1. Coverage under this general permit may be transferred to another party under the following conditions:
  - a. The permittee notifies the Department of the proposed transfer at least thirty (30) days in advance of the proposed transfer date;
  - b. A written agreement is submitted to the Department between the existing and the new permittee containing a specific date for the transfer of permit responsibility, coverage, and liability for violations up to that date and thereafter;
  - c. An NOI is filed by the new owner.
2. Transfers are not effective if, within thirty (30) days of receipt of proposal, the Department disagrees and notifies the current permittee of the intent to modify, revoke and reissue, or terminate the permit coverage and to require that a new application be filed.

#### **Part IV. MONITORING AND REPORTING REQUIREMENTS**

**A. Facilities Required to Monitor.** All facilities covered by this permit are required to conduct sampling of their discharges. Part X of this permit contains specific numeric effluent limitations.

**B. Representative Discharge.**

1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
2. When a facility has two or more outfalls that the permittee reasonably believes discharge substantially identical effluents, the permittee may test the effluent of one such outfall and report that the quantitative data also applies to the substantially identical outfall(s). Permittees shall include a description of the location of the outfalls and an explanation of why outfalls are expected to discharge substantially identical effluents with the Discharge Monitoring Report(s).

**C. Discharge Flow Measurement.** The permittee shall maintain at the permitted facility a record of the method(s) used in "estimating" the discharge flow (e.g., pump curves, production charts, water use records, etc.). Records of any necessary calibrations must also be kept. This information shall be made available for on-site review by Department personnel during normal working hours.

**D. Reporting**

1. Monitoring results obtained during each monitoring period shall be recorded on Discharge Monitoring Report (DMR) Form(s) provided by the Department. A separate DMR Form is required for each discharge for each monitoring period and each DMR must be signed at the time of its completion in accordance with the requirements in Part V.F. The information is to be recorded and maintained on-site no later than the 28th day of the month following the month this permit becomes effective. The DMRs are to be submitted to the Department on a yearly basis according to the following schedule:

The permittee is required to submit to the Department monitoring results obtained during the reporting period running from May to April no later than the 28th day of the following May.

**E. Additional Monitoring by the Permittee.** If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified herein, the results of such monitoring shall be included in the calculation and reporting of the values required in the Discharge Monitoring Report Form. Such increased frequency shall also be indicated. Additional or accelerated monitoring may be required to determine the nature and impact of a non-complying discharge on the

environment or to determine if a single non-complying sample is representative of the long term condition (monthly average).

**F. Retention of Records.**

Permittees are required to retain for a three-year period from the date of sample collection or for the term of this permit, whichever is greater, records of all monitoring information collected during the term of this permit. Permittees must submit such monitoring results to the Department upon the request of the Department.

**G. Procedures for Monitoring.** Monitoring must be conducted according to test procedures approved under 40 CFR Part 136 and S.C. Environmental Laboratory Certification Regulation 61-81.

**H. Records Content.** Records of monitoring information shall include:

1. The date, exact place, and time of sampling or measurements;
2. The initials or name(s) of the individual(s) who performed the sampling or measurements;
3. The date(s) analyses were performed;
4. The time(s) analyses were initiated;
5. The initials or name(s) of the individual(s) who performed the analyses;
6. References and written procedures, when available, for the analytical techniques or methods used; and
7. The results of such analyses, including the bench sheets, instrument readouts, computer disks or tapes, etc., used to determine these results.

**I. Availability of Reports.** Except for data determined to be confidential under Section 48-1-270 of the S.C. Pollution Control Act, all reports prepared in accordance with the terms and conditions of this permit shall be available upon request for public inspection at the offices of the Department. As required by the CWA, effluent data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in Section 48-1-340 of the S.C. Pollution Control Act.

## **Part V. STANDARD PERMIT CONDITIONS**

### **A. Duty to Comply.**

1. The permittee must comply with all conditions of this permit. Any permit non-compliance constitutes a violation of CWA and the S.C. Pollution Control Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit-renewal application.
2. Penalties for Violations of Permit Conditions.
  - a. Any person who violates a term or condition contained within this permit is subject to the actions defined by Sections 48-1-320 and 48-1-330 of the S.C. Pollution Control Act.
  - b. Nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for non-compliance.
  - c. It is the responsibility of the permittee to meet the effluent limitations of this permit. The approval of plans and specifications for any wastewater facilities by the Department does not relieve the permittee of responsibility for compliance.

**B. Need to Halt or Reduce Activity Not a Defense.** It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

**C. Duty to Mitigate.** The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

**D. Proper Operation and Maintenance.** The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems installed by a permittee only when necessary to achieve compliance with the conditions of the permit. Maintenance of facilities, which necessitates unavoidable interruption of operation and degradation of effluent quality shall be scheduled during non-critical water quality periods and carried out in a manner approved by the Department.

### **E. Permit Actions**

1. The permittee shall furnish to the Department within a reasonable time any relevant information which the Department may request to determine whether cause exists for

revoking coverage and reissuing another permit or terminating the certificate of coverage under the general permit, or to determine compliance with the general permit.

2. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated non-compliance does not stay any permit condition.

F. **Property Rights.** The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

G. **Duty to Provide Information.** The permittee shall furnish to the Department, within a time specified by the Department, any information which the Department may request to determine compliance with this permit. The permittee shall also furnish to the Department upon request copies of records required to be kept by this permit.

H. **Inspection and Entry.** The permittee shall allow the Director or an authorized representative of EPA or the Department, upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;
2. Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit; and
3. Inspect at reasonable times any facilities or equipment (including monitoring and control equipment).

I. **Signatory Requirements.** All Notices of Intent, Notices of Termination, reports, certifications or information either submitted to the Department, or that this permit requires be maintained by the permittee, shall be signed.

1. All Notices of Intent shall be signed as follows:
  - a. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (1) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or (2) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000 (in second-quarter



1980 dollars) if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

- b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
  - c. For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes (1) the chief executive officer of the agency, or (2) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).
2. All reports required by the permit and other information requested by the Department shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
- a. The authorization is made in writing by a person described above and submitted to the Department.
  - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of manager, operator, superintendent, or position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position).
  - c. Changes to authorization. If an authorization under Part V.F.2.b is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part V.F.2 must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.
  - d. Certification. Any person signing documents under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

- J. Other Information.** When the permittee becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in the Notice of Intent or in any other report to the Department, he or she shall promptly submit such facts or information. Any changes in facility name, contact person, and/or changes in discharge or additional discharges shall be submitted in a revised NOI to the address in Part III.C.
- K. False Statements, Representations or Certifications; Falsifying, Tampering with, or Rendering Inaccurate Monitoring Devices or Methods.** Section 48-1-340 of the S.C. Pollution Control Act provides that any person who knowingly makes any false statement, representation, or certification in an application, record, report, plan or other document filed or required to be maintained under this permit or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required to be maintained by this permit, shall be subject to the civil or criminal provisions of Sections 48-1-320 and 48-1-330 of the S.C. Pollution Control Act.
- L. Oil and Hazardous Substance Liability.** Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject to under Section 311 of the CWA, Section 106 of CERCLA, the S.C. Pollution Control Act, or applicable provisions of the S.C. Hazardous Waste Management Act and the S.C. Oil and Gas Act.
- M. Changes in Discharges of Toxic Pollutants or Hazardous Substances**
1. The permittee shall notify the Department as soon as he knows or has reason to believe
    - a. That any activity has occurred or will occur which would result in any discharge on a routine or frequent basis of any toxic pollutant not limited in the permit, if that discharge will exceed the highest of the following notification levels:
      - 1 mg/l for antimony (Sb);
      - 0.500 mg/l for 2,4-dinitrophenol or 2-methyl, -4,6-dinitrophenol;
      - 0.200 mg/l for acrolein or acrylonitrile;
      - 0.100 mg/l for any other toxic pollutant; or,
      - Five (5) times the maximum concentration value reported for a pollutant in the permit application.
    - b. That any activity has occurred or will occur which would result in any discharge on a non-routine or infrequent basis of any toxic pollutant not limited in the permit, if that discharge will exceed the highest of the following notification levels:
      - 1 mg/l for antimony (Sb);

- 0.500 mg/l for any other toxic pollutant; or,
  - Ten (10) times the maximum concentration value reported for a pollutant in the permit application.
- c. Any hazardous substance(s) identified under Section 311 of the CWA as determined by Federal Regulation 40 CFR 117 has been discharged.
2. The permittee must notify the Department as soon as it knows or has reason to believe that it has begun or expects to begin to use or manufacture as an intermediate or final product or by-product any toxic pollutant or hazardous substance which was not reported in the permit application.

**N. Onshore and Offshore Construction.** This permit does not authorize or approve the construction of any onshore or offshore physical structures or facilities or the undertaking of any work in any navigable waters.

**O. Requiring an Individual Permit or an Alternative General Permit.**

1. The Department may require any person authorized by this permit to apply for and/or obtain either an individual NPDES permit or an alternative NPDES general permit. Any interested person may petition the Department to take action under this paragraph. The Department may require any owner or operator authorized to discharge under this permit to apply for an individual NPDES permit only if the owner or operator has been notified in writing that a permit application is required. This notice shall include a brief statement of the reasons for this decision, an application form, a statement setting a deadline for the owner or operator to file the application, and a statement that on the effective date of the individual NPDES permit or the alternative general permit as it applies to the individual permittee, coverage under this general permit shall automatically terminate. Individual permit applications shall be submitted to the address shown in Part III.B of this permit. The Department may grant additional time to submit the application upon request of the applicant. If an owner or operator fails to submit in a timely manner an individual NPDES permit application as required by the Department, then the applicability of this permit to the individual NPDES permittee is automatically terminated at the end of the day specified for application submittal.
2. Any owner or operator authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit. The owner or operator shall submit an individual application (Form 1 and Form 2B, and/or Form 1 and the "State of South Carolina Department of Agriculture Application for Aquaculture Permit Assistance") with reasons supporting the request to the Department. Individual permit applications shall be submitted to the address in Part III.C of this permit. The request

may be granted by the issuance of an individual permit or an alternative general permit if the reasons cited by the owner or operator are adequate to support the request.

3. When an individual NPDES permit is issued to an owner or operator otherwise subject to this permit, or the owner or operator is authorized for coverage under an alternative NPDES general permit, the applicability of this permit to the individual NPDES permittee is automatically terminated on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit, whichever the case may be. When an individual NPDES permit is denied to an owner or operator otherwise subject to this permit, or the owner or operator is denied coverage under an alternative NPDES general permit, the applicability of this permit to the individual NPDES permittee is automatically terminated on the date of such denial, unless otherwise specified by the Department.

**P. State/Environmental Laws.**

1. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by Section 510 of the CWA.
2. No condition of this permit shall release the permittee from any responsibility or requirements under other environmental statutes or regulations.

**Q. Change in Discharge.** All discharges authorized herein shall be consistent with the terms and conditions of this permit. The discharge of any pollutant identified in this permit more frequently than or at a level in excess of that authorized shall constitute a violation of the permit. Any planned facility expansions, production increases, or process modifications which will result in a new or different discharge of pollutants must be reported by submission of a individual NPDES application or, if such changes will not violate the effluent limitations specified in this permit, by notice to the Department of such changes. Following such notice, the permittee may be required to obtain an individual NPDES Permit for the discharge.

**R. Areawide Water Quality Management Plan Conformance.** All discharges given coverage under this permit are in compliance with the appropriate Areawide Water Quality Management Plan prepared pursuant to Section 208 of the CWA.

**S. Bypass of Treatment Facility**

1. Notice:
  - a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible, at least ten days before the date of the bypass.

- b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass. Any information regarding the unanticipated bypass shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within five (5) days of the time the permittee became aware of the circumstances. The written submission shall contain the following: a description of the bypass and its cause; the period of the bypass, including exact dates and times, and if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass.
2. Any intentional diversion from or bypass of waste streams from any portion of wastewater collection or treatment facilities which is not a designed or established operating mode for the facility is prohibited except
- a. where unavoidable to prevent loss of life, personal injury, or severe property damage; or
  - b. where there were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance.
  - c. The permittee submitted notice of the bypass

"Severe property damage" does not mean economic loss caused by delays in production.

3. The Department may approve an anticipated bypass, after considering its adverse effects, if the Department determines that it will meet the three conditions listed above in paragraph S.2 of this section.

**T. Twenty-Four Hour Non-Compliance Reporting**

1. The permittee shall report any non-compliance with provisions specified in this permit which may endanger public health or the environment. The permittee shall notify the Department orally within 24 hours of becoming aware of such conditions. During normal working hours call 803/898-4300. After-hour reporting should be made to the 24-hour Emergency Response telephone number 803/253-6488. The permittee shall provide the following information to the Department in writing, within five (5) days of becoming aware of such conditions:
- a. A description of the discharge and cause of non-compliance; and,
  - b. The period of non-compliance, including exact dates and times; or, if not corrected, the anticipated time the non-compliance is expected to continue, and steps being

taken to reduce, eliminate and prevent recurrence of the non-complying discharge.

2. The following violations shall be included in a 24 hour report when they might endanger health or the environment:
  - a. An unanticipated bypass which exceeds any effluent limitation in this permit;
  - b. Any upset which exceeds any effluent limitation in the permit.
3. As soon as the permittee has knowledge of or anticipates the need for a bypass, it shall submit prior notice, if possible, at least 10 days before the date of the bypass including justification of the need for bypass as well as the anticipated quality, quantity, duration, and effect of the bypass.

**U. Removed Substances.** Solids, sludges, filter backwash, or other residuals removed in the course of treatment or control of wastewaters shall be disposed of in a manner so as to prevent such materials from entering State waters and in accordance with guidelines issued pursuant to Section 405 of the CWA, and the terms of a construction, ND or NPDES, solid or hazardous waste and/or other appropriate approval or permit issued by the Department.

**V. Upset Conditions**

1. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based numeric effluent limitations in Part X.A or X.B of this permit if the requirements of paragraph 2 of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
2. A permittee who wishes to establish the affirmative defense of an upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - a. An upset occurred and that the permittee can identify the cause(s) of the upset;
  - b. The permitted facility was at the time being properly operated; and
  - c. The permittee provided oral notice of the upset to the Department within 24 hours from the time the permittee became aware of the circumstances. A written submission shall also be provided within five (5) days of the time the permittee became aware of the circumstances. The written submission shall contain the following: a description of the upset and its cause; the period of the upset, including exact dates and times, and if the upset has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the upset.

3. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

**Part VI. REOPENER CLAUSE.**

- A. If there is evidence indicating potential or realized impacts on water quality due to any discharge covered by this permit, the owner or operator of such discharge may be required to obtain an individual permit or an alternative general permit in accordance with Part V.O of this permit or the permit may be modified to include different limitations and/or requirements.
- B. Permit modification or revocation of coverage will be conducted according to S.C. Pollution Control Act and S.C. Regulation 61-9.

**Part VII. TERMINATION OF COVERAGE**

- A. **Notice of Termination.** Where all concentrated aquatic animal production and/or aquaculture discharges that are authorized by this permit are eliminated, the operator of the facility may submit a Notice of Termination (NOT) that is signed in accordance with Part V.I of this permit. The Notice of Termination shall include the following information:

1. Name, mailing address and location of the facility for which the notification is submitted. Where a mailing address for the site is not available, the location can be described in terms of the latitude and longitude of the facility to the nearest 15 seconds that the facility is located in;
2. The operator's name, address, telephone number, ownership status and status as Federal, State, private, public, or other entity;
3. The NPDES permit number for the concentrated aquatic animal production and/or aquaculture discharge identified by the Notice of Termination;
4. The reason(s) for the termination; and
5. The NOT must be signed in accordance with Part V.I of this permit.

- B. **Where to Submit.** All Notices of Termination are to be sent to the following address:

SC Dept. of Health and Environmental Control  
Bureau of Water  
NPDES/ND Permit Administration  
2600 Bull Street  
Columbia, SC 29201

## Part VIII. SEVERABILITY

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

## Part IX. SPECIAL CONDITIONS

**A. Prohibition of Other Discharges.** All discharges covered by this permit shall be composed entirely of aquaculture and/or concentrated aquatic animal production water, except discharges of material other than aquaculture and/or concentrated aquatic animal production water which are in compliance with an NPDES permit (other than this permit) issued for the discharge.

**B. Releases in Excess of Reportable Quantities.**

1. The discharge of hazardous substances or oil in the discharge(s) from a facility shall be prevented or minimized. This permit does not relieve the permittee of the reporting requirements of 40 CFR Part 117 and 40 CFR Part 302. Where a release containing a hazardous substance in an amount equal to or in excess of a reporting quantity established under either 40 CFR 117 or 40 CFR 302, occurs during a 24 hour period:

- a. The discharger is required to notify both the Department's Emergency Response Section at **(803) 253-6488** and the National Response Center (NRC) **(800-424-8802)** in accordance with the requirements of 40 CFR 117 and 40 CFR 302 as soon as he or she has knowledge of the discharge;
- b. The permittee shall submit within 14 calendar days of knowledge of the release a written description of the release (including the type and estimate of the amount of material released), the date that such release occurred, the circumstances leading to the release, and steps to be taken in accordance with Part IX.B.1.c (below) of this permit to both:

Emergency Response Section  
SC Dept. of Health and Environmental Control  
2600 Bull Street  
Columbia, S.C. 29201 ; and

EPA Region IV  
61 Forsyth Street SW  
Atlanta, Ga. 30303-3104

- c. The BMP plan, if required under this permit, must be reviewed to identify measures to prevent the reoccurrence of such releases and to respond to such releases, and the plan must be modified where appropriate.



2. Spills. This permit does not authorize the discharge of hazardous substances or oil resulting from an on-site spill.

- C. **Rise Above Background** Certain stated limitations may be considered as a rise above background conditions. To satisfy this condition, the permittee must monitor the intake water by taking representative samples using the appropriate sample type for each parameter (e.g. grab sample for fecal coliform and TSS) on the same days that each parameter reported as a rise over background is sampled. The difference calculated shall be reported on the Discharge Monitoring Reports with a statement made on the reports (in the Comments space) that this is the case. Should background be below 14/100 ml monthly average and 43/100 ml daily maximum, then the state standard of 14/100 ml monthly average and 43/100 ml daily maximum will apply. This should also be noted in the Comments space in the Report.
- E. **Emergency Discharges** In the event that an emergency discharge occurs, such as problems with a dam or dike, the permittee shall orally notify the Department at (803) 898-4300, or the local District EQC Office during normal working hours within one working day of becoming aware of the conditions.
- F. **Imported Species** The facility shall obtain and be in compliance with a Permit for Importation of Penaeid Shrimp for Aquaculture Purposes, and/or an equivalent permit for any other exotic species raised at the facility.
- G. The discharge of fish food and metabolic fish wastes from the facility shall not cause unreasonable degradation of the marine environment underneath the facility and in the surrounding area. Unreasonable degradation is defined in 40 CFR §125.121 (e) as “significant adverse changes in ecosystem diversity, productivity and stability of the biology community within the area of discharge and surrounding biological communities, (and/or) loss of esthetic, recreational, scientific or economic values which is unreasonable in relation to the benefit derived from the discharge.”
- H. Only medicinal products (i.e. all veterinary therapeutic products) and medicinal premixes for inclusion in fish feeds, which are approved for use in aquaculture by the Food and Drug Administration shall be used, and the withdrawal times for all medicines used in the treatment or prevention of fish disease must be adhered to. The discharge of any therapeutants, antibiotics, or other treatments shall be reported as an attachment to the Discharge Monitoring Report (DMR) Form (3320-1). The report shall include the number of pounds or gallons of material discharged, and the material, if applicable.
- I. Feeding methods should maximize ingestion and use slow-settling, highly digestible feed to maximize food conversion. Unpelletized wet feed (i.e. minced fish or shellfish) should not be discharged from the facility.
- J. The permittee should reduce and/or cease feeding fish when temperature, turbidity or other ambient conditions inhibit or otherwise interfere with feeding behavior.

- K.** Predator control shall not involve killing or abusive harassment of birds or mammals. Predator control methods shall comply with appropriate federal regulations.
- L.** The use or discharge of toxic chemicals to control the fouling of nets is prohibited.
- M.** Federally listed endangered or threatened species shall not be bought, taken, possessed, sold, delivered, carried, transported, or shipped by any means whatsoever, except in accordance with 50 CFR § 17.

## Part X. NUMERIC EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

### A. Effluent Limitations and Monitoring Requirements

- During the period beginning on the effective date of this permit and lasting through the expiration date, the permittee is authorized to discharge from Outfall 001: aquaculture and/or concentrated aquatic animal production wastewater from facilities that produce **saltwater, warm water aquatic animals**

Such discharge shall be limited at each outfall and monitored at each monitored outfall by the permittee as specified below:

<u>EFFLUENT CHARACTERISTICS</u>	<u>DISCHARGE LIMITATIONS</u> (mg/l unless specified otherwise)			<u>MONITORING REQUIREMENTS</u>	
	<u>Daily Minimum</u>	<u>Monthly Average</u>	<u>Daily Max.</u>	<u>Measurement Frequency<sup>c</sup></u>	<u>Sample Type</u>
Flow	-	MR <sup>a</sup>	MR <sup>a</sup>	1/Month	Estimate <sup>b</sup>
Biochemical Oxygen Demand (BOD <sub>5</sub> )	-	10 mg/l	20 mg/l	1/Month	Grab
Total Suspended Solids (TSS) <sup>e</sup>	-	MR <sup>a</sup>	MR <sup>a</sup>	1/Month	Grab
Fecal Coliform <sup>e</sup>	-	0/100 ml	0/100 ml	1/Month	Grab
Ammonia (NH <sub>3</sub> -N)	-	1.0 mg/l	2.0 mg/l	1/Month	Grab
Dissolved Oxygen	5.0 mg/l	-	-	1/Month	Grab
pH	6.5 su <sup>d</sup>	-	8.5 su <sup>d</sup>	1/Month	Grab

<sup>a</sup> MR = Monitor and Report

<sup>b</sup> See Part IV.C

<sup>c</sup> Samples shall be taken once per discharge, but need not be more than once per month.

<sup>d</sup> su = standard units

<sup>e</sup> These limits are for rise above background. See Part IX.C.

- The designation of the receiving waters shall be SHELLFISH HARVESTING WATERS (Class SFH) as identified by *SC Regulation 61-68, Water Classifications and Standards*, and *SC Regulation 61-69, Classified Waters*.
- Sampling is to be conducted at least once during each harvesting operation, if discharge occurs.
- There shall be no discharge of fish/shellfish parts, floating solids or visible foam in other than trace amounts, nor shall the effluent cause a visible sheen on the receiving waters.
- There shall be no discharge of effluent that results in a toxic effect on either human health or the indigenous aquatic populations in the receiving stream.
- Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): at each monitored outfall.

## B. Effluent Limitations and Monitoring Requirements

- During the period beginning on the effective date of this permit and lasting through the expiration date, the permittee is authorized to discharge from Outfall 002: aquaculture and/or concentrated aquatic animal production wastewater from facilities that produce **saltwater, warm water aquatic animals**

Such discharge shall be limited at each outfall and monitored at each monitored outfall by the permittee as specified below:

<u>EFFLUENT CHARACTERISTICS</u>	<u>DISCHARGE LIMITATIONS</u> (mg/l unless specified otherwise)			<u>MONITORING REQUIREMENTS</u>	
	<u>Daily Minimum</u>	<u>Monthly Average</u>	<u>Daily Max.</u>	<u>Measurement Frequency<sup>c</sup></u>	<u>Sample Type</u>
Flow	-	MR <sup>a</sup>	MR <sup>a</sup>	1/Month	Estimate <sup>b</sup>
Biochemical Oxygen Demand (BOD <sub>5</sub> )	-	10 mg/l	20 mg/l	1/Month	Grab
Total Suspended Solids (TSS) <sup>e</sup>	-	MR <sup>a</sup>	MR <sup>a</sup>	1/Month	Grab
Ammonia (NH <sub>3</sub> -N)	-	1.0 mg/l	2.0 mg/l	1/Month	Grab
Dissolved Oxygen	5.0 mg/l	-	-	1/Month	Grab
pH	6.5 su <sup>d</sup>	-	8.5 su <sup>d</sup>	1/Month	Grab

<sup>a</sup> MR = Monitor and Report

<sup>b</sup> See Part IV.C

<sup>c</sup> Samples shall be taken once per discharge, but need not be more than once per month.

<sup>d</sup> su = standard units

<sup>e</sup> These limits are for rise above background. See Part IX.C.

- The designation of the receiving waters shall be SALTWATERS (Class SA or SB) as identified by *SC Regulation 61-68, Water Classifications and Standards*, and *SC Regulation 61-69, Classified Waters*.
- Sampling is to be conducted at least once during each harvesting operation, if discharge occurs.
- There shall be no discharge of fish/shellfish parts, floating solids or visible foam in other than trace amounts, nor shall the effluent cause a visible sheen on the receiving waters.
- There shall be no discharge of effluent that results in a toxic effect on either human health or the indigenous aquatic populations in the receiving stream.
- Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): at each monitored outfall.

### C. Effluent Limitations and Monitoring Requirements

1. During the period beginning on the effective date of this permit and lasting through the expiration date, the permittee is authorized to discharge from Outfall 003: aquaculture and/or concentrated aquatic animal production wastewater from facilities that produce **freshwater, warm water aquatic animals**

Such discharge shall be limited at each outfall and monitored at each monitored outfall by the permittee as specified below:

<u>EFFLUENT CHARACTERISTICS</u>	<u>DISCHARGE LIMITATIONS</u> (mg/l unless specified otherwise)			<u>MONITORING REQUIREMENTS</u>	
	<u>Daily Minimum</u>	<u>Monthly Average</u>	<u>Daily Max.</u>	<u>Measurement Frequency<sup>c</sup></u>	<u>Sample Type</u>
Flow	-	MR <sup>a</sup>	MR <sup>a</sup>	1/Month	Estimate <sup>b</sup>
Biochemical Oxygen Demand (BOD <sub>5</sub> )	-	10 mg/l	20 mg/l	1/Month	Grab
Total Suspended Solids (TSS)	-	90 mg/l	135 mg/l	1/Month	Grab
Ammonia (NH <sub>3</sub> -N)	-	1.0 mg/l	2.0 mg/l	1/Month	Grab
Dissolved Oxygen	5.0 mg/l	-	-	1/Month	Grab
pH	6.0 su <sup>d</sup>	-	8.5 su <sup>d</sup>	1/Month	Grab

<sup>a</sup> MR = Monitor and Report

<sup>b</sup> See Part IV.C

<sup>c</sup> Samples shall be taken once per discharge, but need not be more than once per month.

<sup>d</sup> su = standard units

2. The designation of the receiving waters shall be FRESHWATERS (Class FW) as identified by *SC Regulation 61-68, Water Classifications and Standards*, and *SC Regulation 61-69, Classified Waters*.
3. Sampling is to be conducted at least once during each harvesting operation, if discharge occurs.
4. There shall be no discharge of fish/shellfish parts, floating solids or visible foam in other than trace amounts, nor shall the effluent cause a visible sheen on the receiving waters.
5. There shall be no discharge of effluent that results in a toxic effect on either human health or the indigenous aquatic populations in the receiving stream.
6. Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): at each monitored outfall.

## D. Effluent Limitations and Monitoring Requirements

1. During the period beginning on the effective date of this permit and lasting through the expiration date, the permittee is authorized to discharge from Outfall 004: aquaculture and/or concentrated aquatic animal production wastewater from facilities that produce **freshwater, warm water aquatic animals**

Such discharge shall be limited at each outfall and monitored at each monitored outfall by the permittee as specified below:

<u>EFFLUENT CHARACTERISTICS</u>	<u>DISCHARGE LIMITATIONS</u> (mg/l unless specified otherwise)			<u>MONITORING REQUIREMENTS</u>	
	<u>Daily Minimum</u>	<u>Monthly Average</u>	<u>Daily Max.</u>	<u>Measurement Frequency<sup>c</sup></u>	<u>Sample Type</u>
Flow	-	MR <sup>a</sup>	MR <sup>a</sup>	1/Month	Estimate <sup>b</sup>
Biochemical Oxygen Demand (BOD <sub>5</sub> )	-	10 mg/l	20 mg/l	1/Month	Grab
Total Suspended Solids (TSS)	-	90 mg/l	135 mg/l	1/Month	Grab
Ammonia (NH <sub>3</sub> -N)	-	1.0 mg/l	2.0 mg/l	1/Month	Grab
Dissolved Oxygen	5.0 mg/l	-	-	1/Month	Grab
pH	6.5 su <sup>d</sup>	-	8.5 su <sup>d</sup>	1/Month	Grab

<sup>a</sup> MR = Monitor and Report

<sup>b</sup> See Part IV.C

<sup>c</sup> Samples shall be taken once per discharge, but need not be more than once per month.

<sup>d</sup> su = standard units

2. The designation of the receiving waters shall be SALTWATERS (Class SA or SB) as identified by *SC Regulation 61-68, Water Classifications and Standards*, and *SC Regulation 61-69, Classified Waters*.
3. Sampling is to be conducted at least once during each harvesting operation, if discharge occurs.
4. There shall be no discharge of fish/shellfish parts, floating solids or visible foam in other than trace amounts, nor shall the effluent cause a visible sheen on the receiving waters.
5. There shall be no discharge of effluent that results in a toxic effect on either human health or the indigenous aquatic populations in the receiving stream.
6. Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): at each monitored outfall.

## E. Effluent Limitations and Monitoring Requirements

1. During the period beginning on the effective date of this permit and lasting through the expiration date, the permittee is authorized to discharge from Outfall 005: aquaculture and/or concentrated aquatic animal production wastewater from facilities that produce **freshwater, warm water aquatic animals**

Such discharge shall be limited at each outfall and monitored at each monitored outfall by the permittee as specified below:

<u>EFFLUENT CHARACTERISTICS</u>	<u>DISCHARGE LIMITATIONS</u> (mg/l unless specified otherwise)			<u>MONITORING REQUIREMENTS</u>	
	<u>Daily Minimum</u>	<u>Monthly Average</u>	<u>Daily Max.</u>	<u>Measurement Frequency<sup>c</sup></u>	<u>Sample Type</u>
Flow	-	MR <sup>a</sup>	MR <sup>a</sup>	1/Month	Estimate <sup>b</sup>
Biochemical Oxygen Demand (BOD <sub>5</sub> )	-	10 mg/l	20 mg/l	1/Month	Grab
Total Suspended Solids (TSS)	-	90 mg/l	135 mg/l	1/Month	Grab
Ammonia (NH <sub>3</sub> -N)	-	1.0 mg/l	2.0 mg/l	1/Month	Grab
Dissolved Oxygen	4.0 mg/l	-	-	1/Month	Grab
pH	5.0 su <sup>d</sup>	-	8.5 su <sup>d</sup>	1/Month	Grab

<sup>a</sup> MR = Monitor and Report

<sup>b</sup> See Part IV.C

<sup>c</sup> Samples shall be taken once per discharge, but need not be more than once per month.

<sup>d</sup> su = standard units

2. The designation of the receiving waters shall be FRESHWATERS with site specific standards (Class FW\*) as identified by *SC Regulation 61-68, Water Classifications and Standards*, and *SC Regulation 61-69, Classified Waters*.
3. Sampling is to be conducted at least once during each harvesting operation, if discharge occurs.
4. There shall be no discharge of fish/shellfish parts, floating solids or visible foam in other than trace amounts, nor shall the effluent cause a visible sheen on the receiving waters.
5. There shall be no discharge of effluent that results in a toxic effect on either human health or the indigenous aquatic populations in the receiving stream.
6. Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): at each monitored outfall.







2600 Bull Street  
Columbia, SC 29201

## FACT SHEET

### NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT TO DISCHARGE WASTEWATER TO STATE WATERS

Application No. SCG130000

Date: August 14, 2002

#### 1. SYNOPSIS OF APPLICATION

a. Name and Address of Applicant

Those facilities which have discharges from aquaculture and/or concentrated aquatic animal production facilities.

b. Facility Location

Within the geographic boundaries of the State of South Carolina.

c. Description of Applicant's Operation

Growing and/or harvesting of fish or shellfish

d. Receiving Water Name

A covered discharge may discharge to or flow to any waters classified as SFH, SA, SB, FW, and FW\* within the geographic boundaries of the State of South Carolina, as defined in SC Regulation 61-68, *Water Classification and Standards*.

e. Description of Existing Pollution Abatement Facilities

Covered discharges are slightly contaminated so that no treatment or controls are usually necessary. Therefore, no treatment system permitting is typically required.

f. Permitting Action

Reissuance of a General Permit for discharges from aquaculture and/or concentrated aquatic animal production facilities.

## 2. PROPOSED EFFLUENT LIMITATIONS

See General Permit

## 3. RATIONALE FOR DETERMINING EFFLUENT LIMITATIONS

The Department's professional judgment and stream standards have been used to justify the permit limits.

- a. Biochemical oxygen demand (BOD<sub>5</sub>): Proposed limits will protect streams to the standard for dissolved oxygen. Assurance that the control technology basis is adequate comes from the Department's professional judgment.
- b. Total suspended solids (TSS): There is no stream standard for this parameter. The Department's professional judgment of appropriate technology was used to determine limits. For saltwater facilities, where the intake water as well as the effluent are generally both high in TSS, the limit is monitor and report.
- c. pH: All limits are based on Regulation 61-68, *Water Classifications and Standards*.
  - (1) Freshwater (Class FW) standards state between 6.0 su and 8.5 su.
  - (2) Saltwater (Class SA, SB or SFH) state between 6.5 su and 8.5 su.
  - (3) Freshwater (Class FW\*) site specific standards state between 5.0 su and 8.5 su.
- d. Fecal Coliform: Fecal coliform is a by-product of warm blooded animals. Since aquaculture does not involve warm blooded animals, there is no fecal coliform added to the waste stream by these facilities. Therefore, no limit will be placed on outfalls other than those that discharge to critical area saltwater (i.e. Class SFH). These saltwater facilities generally have high fecal counts in the intake water. Therefore, the limit will be zero rise above background.
- e. Ammonia Nitrogen (NH<sub>3</sub>-N): Based on Wasteload Allocation recommendation, ammonia will be limited to 1.0 mg/l monthly average and 2.0 mg/l daily maximum.
- f. Dissolved Oxygen: All limits are based on Regulation 61-68, *Water Classifications and Standards*.
  - (1) Freshwater\* (Class FW\*) standards state not less than 4.0 mg/l.
  - (2) All other waters (Class FW, SA, SB or SFH) state not less than 5.0 mg/l.

## 4. MONITORING REQUIREMENTS

- a. Measurement Frequency:

Measurement frequency shall be once per discharge, but need not be more than once per month.

- b. Submission of Discharge Monitoring Reports: Discharge monitoring reports are to be prepared separately for each monitoring period. These reports are to be maintained on-site and submitted to the Department upon reapplication for coverage. Annual non-compliance reports are to be submitted.

## **5. SCHEDULE FOR MEETING LIMITS**

The permittee is to obtain compliance with the permit limitations and conditions on the date specified in the letter of notification of general permit coverage issued by the Department.

## **6. PROPOSED SPECIAL CONDITIONS WHICH WILL HAVE A SIGNIFICANT IMPACT ON THE DISCHARGE**

N/A

## **7. PERMIT DURATION**

Five (5) years from the effective date of the permit.

## **8. PROCEDURES FOR THE FORMULATION OF FINAL DETERMINATIONS**

### **a. Comment Period**

The Department of Health and Environmental Control proposes to issue an NPDES general permit subject to the effluent limitations and special conditions outlined above. These determinations are tentative.

Interested persons are invited to submit written comments on the permit application or on DHEC's proposed determinations to the following address:

South Carolina Department of Health and Environmental Control  
Bureau of Water/NPDES Administration  
2600 Bull Street  
Columbia, South Carolina 29201

All comments received from March 18, 2002 to April 16, 2002 will be considered in the formulation of final determinations with regard to this decision.

### **b. Public Hearing**

The Department of Health and Environmental Control (DHEC) may hold a public hearing if there is a significant degree of public interest in a proposed permit or group of permits. Public notice of such a hearing will be circulated in newspapers across the State and to those on the DHEC mailing list at least thirty days prior to the hearing.

Following the public hearing, DHEC may make such modifications in the terms and conditions of the proposed permit as may be appropriate and shall issue or deny the permit. Notice of issuance or denial will be circulated to those who participated in the hearing and to appropriate persons on the DHEC mailing list.

If the permit is issued, it will become effective the first of the month at least 15 days following date of issuance, and will be the final action of DHEC unless an adjudicatory hearing is granted.

c. Adjudicatory Hearings

Any person may submit a request for an administrative adjudicatory hearing to consider the final permit and its conditions. If you wish to request an administrative adjudicatory hearing, you must do so in accordance with Regulation 61-72, Volume 25, S.C. Code of Laws, 1976, as amended, and the Rules of the Administrative Law Judge Division. The request must be filed with the Clerk of the South Carolina Board of Health and Environmental Control, 2600 Bull Street, South Carolina 29201, within fifteen (15) days following issuance of the permit. Service may be effected by personal delivery or by first class mail, but the request must be received by the Clerk on or before the fifteenth day.

The following information must be included in the request:

- (1) the name of the party or parties requesting the hearing;
- (2) the caption or other information sufficient to identify the permit, decision, order, or other action or inaction which is the subject of the hearing;
- (3) the issues for which the hearing is requested; and
- (4) the relief requested.

A petition for review of a decision to issue a new permit stays all actions for which the permit is a prerequisite. A petition for review of a decision to reissue a permit stays the contested provisions of the permit; they will not become effective until the administrative review process is complete and the conditions of the expiring permit remain in effect until the appeal is resolved. All uncontested provisions of the permit will be considered issued and effective on the effective date set out in the permit and must be complied with by the facility.

Information pertaining to adjudicatory matters may be obtained by contacting the Legal Office of the Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina or by calling 803/898-3350.

d. Issuance of the Permit when no Hearings are Held

If no public hearing or adjudicatory hearing is held, and, after review of the comments received, DHEC's determinations are substantially unchanged, the permit will be issued and become effective the first of the month following date of issue. This will be the final action of the Department of Health and Environmental Control.

If no hearings are held, but there have been substantial changes, public notice of DHEC's revised determination will be made. Following a 15-day period, the permit will be issued and become effective the first of the month following termination of the 15-day period and will be the final action of Department of Health and Environmental Control, unless a public or adjudicatory hearing is granted.

Please refer to the attached Public Notice for further details. Contact person: Christina H. Lewis, Federal, Energy, Pretreatment Permitting Section, Bureau of Water, SCDHEC, (803) 898-4198.